

EXHIBIT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,	.
	.
Plaintiff,	.
	.
v.	. Docket No. CA 11-1303
	.
UNITED STATES OF AMERICA, et	. Washington, D.C.
al.,	. January 19, 2012
	. 2:00 p.m.
Defendants.	.
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AFTERNOON SESSION - DAY 3
TRANSCRIPT OF MOTION HEARING PROCEEDINGS
BEFORE THE HONORABLE THOMAS B. GRIFFITH,
UNITED STATES CIRCUIT JUDGE, and
HONORABLES ROSEMARY M. COLLYER and BERYL A. HOWELL,
UNITED STATES DISTRICT JUDGES

APPEARANCES:

For the Plaintiff:	MATHEW H. FREDRICK, Special Counsel STACEY NAPIER, Senior Counsel to the Attorney General J. REED CLAY, Senior Counsel to the Attorney General ANGELA V. COLMENERO, Assistant Attorney General Office of the Attorney General of Texas P.O. Box 12548 Austin, TX 78711-2548 ADAM K. MORTARA, Esq. ASHLEY C. KELLER, Esq. JOHN M. HUGES, Esq. Bartlit, Beck, Herman, Palenchar & Scott, LLP Courthouse Place 54 West Hubbard Street Chicago, IL 60610
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03:08PM 1 I remember --

03:08PM 2 A. Oh, yeah. We had a meeting on April 13th at 9:30 a.m. in
03:08PM 3 the speaker's dining room, which is this room right off of his
03:08PM 4 office, and -- to particularly discuss 24, 25.

03:08PM 5 Q. Who attended this meeting?

03:08PM 6 A. Most of the members of the Harris County delegation, and
03:08PM 7 so, you know, Ms. Woolley, Mr. Callegari, myself and other
03:08PM 8 members of the Harris County delegation.

03:08PM 9 Q. And who called this meeting?

03:08PM 10 A. This meeting was called by Ms. Woolley, Mr. Callegari,
03:08PM 11 and requested by Ms. Alvarado.

03:08PM 12 Q. What was the atmosphere of the minority members that
03:08PM 13 attended this meeting?

03:08PM 14 A. First of all, it was very tense, and, you know -- and
03:08PM 15 people were angry because the process wasn't followed, and it
03:09PM 16 was -- you have to think about, this is late in the session, in
03:09PM 17 the morning, 9:30, before we went on the floor. And this was a
03:09PM 18 very, very, very tense meeting.

03:09PM 19 Q. At this meeting, did you raise the objections that you
03:09PM 20 referenced in your letter just now?

03:09PM 21 A. Yes, I did. I raised them to the whole delegation and
03:09PM 22 directly to Ms. Woolley.

03:09PM 23 Q. And just for the benefit of the Court, what were those
03:09PM 24 objections, again?

03:09PM 25 A. The objections were the pairing of Mr. Vo and

03:09PM I Mr. Hochberg, and that, in my thoughts -- what I know about some
03:09PM 2 of this stuff, that it violated the Voting Rights Act in terms
03:09PM 3 of removing the district, and also going from 25 to 24 was in
03:09PM 4 particular -- both were issues. And the process changed.

03:09PM 5 Q. Let me ask you, did you raise your objection to
03:10PM 6 Representative Woolley at all?

03:10PM 7 A. Oh, yes, I did. I mean directly to Representative
03:10PM 8 Woolley. I continued to raise an objection to Representative
03:10PM 9 Woolley. But in that meeting directly, me and Ms. Woolley
03:10PM 10 talking directly with each other, loud, in front of the whole
03:10PM 11 room.

03:10PM 12 Q. How did the conversation end?

03:10PM 13 A. It ended this way. Ms. Woolley said to me, she said, "If
03:10PM 14 we had 25 seats" -- first, she said, "Y'all's districts are
03:10PM 15 protected." And in the context of that, she was looking at me,
03:10PM 16 saying -- and the group of members, "Y'all's districts are
03:10PM 17 protected. If we have 25 seats, the districts that --
03:10PM 18 basically, that we represent would disappear, based on the
03:10PM 19 reduction in the number of Anglos across Harris County."

03:10PM 20 And she was very, very clear about that. And I was taken
03:10PM 21 aback, because, you know, again, this directly affected
03:11PM 22 districts of color currently that were protected, and might in
03:11PM 23 the future.

03:11PM 24 JUDGE COLLYER: I'm not sure I understood. When she said,
03:11PM 25 "Y'all's districts are protected, and" -- was she saying, in

03:11PM 1 essence, "The districts of minorities are protected. We're
03:11PM 2 white. Our districts are not protected. If there are 25 seats,
03:11PM 3 we won't be here"?

03:11PM 4 THE WITNESS: Basically, yes, because the way it works out
03:11PM 5 is the people that were sitting in that room -- already two
03:11PM 6 minority districts, one was being taken away. But as you -- as
03:11PM 7 everybody knows, the growth in Harris County, the Latino
03:11PM 8 growth -- and over the decade, if the Latino growth continues the
03:11PM 9 way it is, there won't be any Anglo districts left -- Anglo
03:12PM 10 republican districts left.

03:12PM 11 And in the context, she was saying -- and this is the way
03:12PM 12 I saw it -- that your district is going to be there, Garnet,
03:12PM 13 because you're protected under the Voting Rights Act, you and the
03:12PM 14 rest of "y'all's" districts are going to be there, including
03:12PM 15 Scott Hochberg, who is not of color, but he was representing
03:12PM 16 District 137, which was protected, in that -- because of that,
03:12PM 17 the population growth, the districts that republicans -- the
03:12PM 18 republicans and Anglos represent will go away.

03:12PM 19 JUDGE COLLYER: Had the population in Harris County grown
03:12PM 20 or shrunk over the last decade?

03:12PM 21 THE WITNESS: Grown.

03:12PM 22 JUDGE COLLYER: So why did it go from 25 to 24 districts?

03:12PM 23 THE WITNESS: Well, I don't think it should have. The
03:12PM 24 percentage -- well, the percentage of districts in 2001 in the
03:13PM 25 Legislative Redistricting Board plan, it was like a .0- -- it was

03:28PM **I A. I -- I don't. I was reacting to the context of what I**
03:28PM **2 believed her to mean.**

03:28PM **3 Q.** I'm putting on the screen your declaration that you filed
03:29PM **4** in this matter not too long ago, paragraphs 10 and 11. And it
03:29PM **5** says:

03:29PM **6** "During that meeting, Representative Woolley told a group
03:29PM **7** of minority representatives that she had drawn the map that she
03:29PM **8** had because of, in approximately her words, "You all are
03:29PM **9** protected by the Voting Rights Act and we are not."

03:29PM **10** Is this a description of the conversation you testified
03:29PM **11** about on direct?

03:29PM **12 A. It's a description of the conversation that I testified**
03:29PM **13 about, and what she basically said. I mean, she said -- that's**
03:29PM **14 what she said.**

03:29PM **15 Q.** Mr. Coleman, as a matter of fact, Representative Woolley
03:29PM **16** never used the word "Anglo" or "white," did she?

03:29PM **17 A. No, she didn't. And that's in the deposition.**

03:29PM **18 Q.** And the statement that Ms. Woolley is making, that you're
03:29PM **19** here reporting in your declaration, that you talked about on
03:29PM **20** direct -- "You all are protected by the Voting Rights Act and we
03:29PM **21** are not" -- that's a true statement, correct?

03:29PM **22 A. Yes, that is a true statement.**

03:29PM **23 Q.** Are there any republicans in Harris County that are not
03:29PM **24** Anglos?

03:29PM **25 A. No.**